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**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

Declaration  
Submitted  
With Initial  
Filing

OR

Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16 (e))  
required)

Attorney Docket Number	3802-165-27 NATL
First Named Inventor	Paul HALLENBECK
COMPLETE IF KNOWN	
Application Number	10/553,459
Filing Date	17 October 2005
Art Unit	
Examiner Name	

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

FLAP ENDONUCLEASE 1 (FEN 1) REGULATORY SEQUENCES AND USES THEREOF

(Title of the Invention)

the specification of which

is attached hereto

OR

was filed on (MM/DD/YYYY) 10/17/2005 as United States Application Number or PCT International

Application Number 10/553,459 and was amended on (MM/DD/YYYY)   (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? Yes	Certified Copy Attached? No
PCT/US2004/092396	WO	04/15/2004	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 4]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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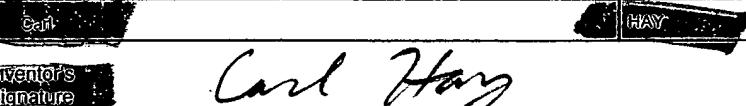
## DECLARATION — Utility or Design Patent Application

Direct all correspondence to: <input checked="" type="checkbox"/> Customer Number: <b>29585</b> <input type="checkbox"/> Correspondence address below			
Name			
Address			
City		State ZIP	
Country		Telephone	Fax
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.			
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor Given Name (first and middle [if any]) <b>Garret</b> Family Name or Surname <b>HALLENBECK</b> Inventor's Signature  Date <b>9/27/01</b>	
Residence: City Chester Springs	State Pennsylvania	Country U.S.A.	Citizenship United States of America
Mailing Address 1207 Tullamore Circle			
City Chester Springs	State Pennsylvania	ZIP 19425-1214	Country U.S.A.
NAME OF SECOND INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor Given Name (first and middle [if any]) <b>Garret</b> Family Name or Surname <b>HAMPTON</b> Inventor's Signature Date	
Residence: City San Diego	State California	Country U.S.A.	Citizenship Ireland
Mailing Address 5362 Caminito Vista Lujo			
City San Diego	State California	ZIP 92130	Country U.S.A.
<input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.			

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## DECLARATION

ADDITIONAL INVENTOR(S)  
Supplemental SheetPage 3 of 4

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any)		Family Name or Surname	
		HAY	
Inventor's Signature		Date <u>11/1/06</u>	
Damascus Residence: City	Maryland State	U.S.A. Country	United States of America Citizenship
28301 Honeysuckle Drive Mailing Address			
Mailing Address			
Damascus City	Maryland State	20872 Zip	United States of America Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any)		Family Name or Surname	
Ying		HUANG	
Inventor's Signature		Date	
Oleny Residence: City	Maryland State	U.S.A. Country	Canada Citizenship
5030 Tothill Drive Mailing Address			
Mailing Address			
Oleny City	Maryland State	20832 Zip	United States of America Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any)		Family Name or Surname	
John		JAKUBCZAK	
Inventor's Signature		Date	
East Lyme Residence: City	Conneticut State	United States of America Country	United States Citizenship
5 Jean Drive Mailing Address			
Mailing Address			
East Lyme City	Conneticut State	06333 Zip	United States of America Country

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<b>DECLARATION</b>		<b>ADDITIONAL INVENTOR(S)</b> Supplemental Sheet
		Page <u>3</u> of <u>4</u>

<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any)		Family Name or Surname	
Carl		HAY	
Inventor's Signature		Date	
Damascus Residence: City		Maryland State	U.S.A. Country
28301 Honeysuckle Drive Mailing Address		United States of America Citizenship	
Mailing Address			
Damascus City		Maryland State	20872 Zip
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any)		Family Name or Surname	
Ying Huang		Date 10/16/06	
Inventor's Signature			
Oleny Residence: City		Maryland State	U.S.A. Country
5030 Tot Hill Drive Mailing Address		Canada Citizenship	
Mailing Address			
Oleny City		Maryland State	20832 Zip
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any)		Family Name or Surname	
John		JAKUBCZAK	
Inventor's Signature		Date	
East Lyme Residence: City		Conneticut State	United States of America Country
5 Jean Drive Mailing Address		United States of America Citizenship	
Mailing Address			
East Lyme City		Conneticut State	06333 Zip
United States of America Country			

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Supplemental SheetPage 3 of 4

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Given Name (first and middle (if any)		Family Name or Surname	
Carl		HAY	
Inventor's Signature		Date	
Damascus Residence: City	Maryland State	U.S.A. Country	United States of America Citizenship
28301 Honeysuckle Drive Mailing Address			
Mailing Address			
Damascus City	Maryland State	20872 Zip	United States of America Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any)		Family Name or Surname	
Ying		HUANG	
Inventor's Signature		Date	
Oleny Residence: City	Maryland State	U.S.A. Country	Canada Citizenship
5030 Tothill Drive Mailing Address			
Mailing Address			
Oleny City	Maryland State	20832 Zip	United States of America Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any)		Family Name or Surname	
[REDACTED]		[REDACTED]	
Inventor's Signature	Date Sept 26, 2006		
East Lyme Residence: City	Conncticut State	United States of America Country	United States Citizenship
5 Jean Drive Mailing Address			
Mailing Address			
East Lyme City	Conncticut State	06333 Zip	United States of America Country

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## DECLARATION

ADDITIONAL INVENTOR(S)  
Supplemental SheetPage 4 of 4

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any)		Family Name or Surname	
Sandrina		PHIPPS	
Inventor's Signature		Date <u>October 2, 2006</u>	
Residence: City	State	Country	United States of America Citizenship
2319 Rosedown Drive Mailing Address			
Mailing Address			
Reston City	Virginia State	20191 Zip	United States of America Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any)		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
Mailing Address			
City	State	Zip	Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any)		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
Mailing Address			
City	State	Zip	Country

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**ASSIGNMENT OF APPLICATION**

WHEREAS, we, Paul HALLENBECK residing at 1207 Tullamore Circle, Chester Springs, Pennsylvania 19425, Garret HAMPTON, 5362 Caminito Vista Lujo, San Diego, California 92130, Carl HAY, residing at 28301 Honeysuckle Drive, Damascus, Maryland 20872, Ying HUANG, residing at 5030 Tothill Drive, Oleny, Maryland 20832, John JAKUBCZAK residing at 5 Jean Drive, East Lyme, Connecticut 06333 and Sandrina PHIPPS residing at 2319 Rosedown Drive, Reston, Virginia 20191 have invented certain new and useful improvements in: "FLAP ENDONUCLEASE 1 (FEN1) REGULATORY SEQUENCES AND USES THEREOF" (hereinafter referred to as the "Invention"), for which an application for Letters Patent was filed on October 17, 2005 (Application No. 10/553,459); and

WHEREAS, Cell Genesys, Inc. (hereinafter referred to as "ASSIGNEE"), having a place of business at 500 Forbes Boulevard, South San Francisco, CA 94080, is desirous of acquiring the full and exclusive right in and to said Invention and the entire right, title and interest in and to any and all Letters Patent which may be granted therefor in the United States and its territorial possessions and in any and all foreign countries;

NOW, THEREFORE, in consideration of the sum of FIVE DOLLARS (\$5.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration, we, by these presents do sell, assign and transfer unto said ASSIGNEE, the full and exclusive right in and to said Invention in the United States and its territorial possessions and in any and all foreign countries, and the entire right, title and interest in and to any and all Letters Patent which may be granted therefor in the United States and its territorial possessions and in any and all foreign countries and in and to any and all subsequent applications based thereon including any and all divisions, continuations, substitutions, renewals and reissues thereof together with the right of priority under the International Convention for the Protection of Industrial Property, Inter-American Convention relating to Patents, Designs and Industrial Models, and any other international agreements to which the United States of America adheres.

We hereby authorize and request the Patent Office Officials in the United States and its territorial possessions and in any and all foreign countries to issue any and all of said Letters Patent, when granted, to said ASSIGNEE as the assignee of our entire right, title and interest in and to the same, for the sole use and behoof of said ASSIGNEE and said ASSIGNEE's successors and assigns, to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held by me had this Assignment and sale not been made.

Further, we agree that we will communicate to said ASSIGNEE or said ASSIGNEE's representatives any facts known to me respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuation, substitute, renewal and reissue applications, execute all necessary assignment papers to cause any and all of said Letters Patent to be issued to said ASSIGNEE, make all rightful oaths, and, generally, do everything possible to aid said ASSIGNEE, and said ASSIGNEE's successors and assigns, to

obtain and enforce proper protection for said Invention in the United States and its territorial possessions and in any and all foreign countries.

The undersigned hereby grant the firm of DLA Piper US LLP, Attorneys at Law, 153 Townsend Street, Suite 800, San Francisco, California 94107-1957, the power to insert on this Assignment any further identification, including the application number and filing date, which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

Date: 9/27/06

  
Paul HALLENBECK

Date: \_\_\_\_\_

Garret HAMPTON

Date: \_\_\_\_\_

Carl HAY

Date: \_\_\_\_\_

Ying HUANG

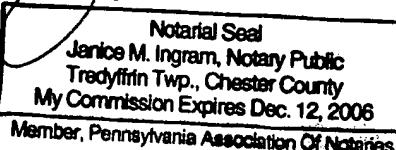
Date: \_\_\_\_\_

John JAKUBCZAK

Date: \_\_\_\_\_

Sandrina PHIPPS

Sworn to and subscribed before me  
this 27th day of Sept 2006



obtain and enforce proper protection for said Invention in the United States and its territorial possessions and in any and all foreign countries.

The undersigned hereby grant the firm of DLA Piper US LLP, Attorneys at Law, 153 Townsend Street, Suite 800, San Francisco, California 94107-1957, the power to insert on this Assignment any further identification, including the application number and filing date, which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

Date: \_\_\_\_\_

Paul HALLENBECK

Date: \_\_\_\_\_

Garret HAMPTON

Date: 10/27/06 <sup>11/1/06</sup> ~~CH~~

Carl HAY

Date: \_\_\_\_\_

Ying HUANG

Date: \_\_\_\_\_

John JAKUBCZAK

Date: \_\_\_\_\_

Sandrina PHIPPS

Shiva Sharma  
11/01/2006

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Date: \_\_\_\_\_

Paul HALLENBECK

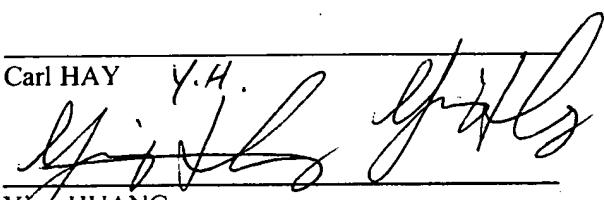
Date: \_\_\_\_\_

Garret HAMPTON

Date: \_\_\_\_\_

Carl HAY

Y.H.

  
Ying HUANG

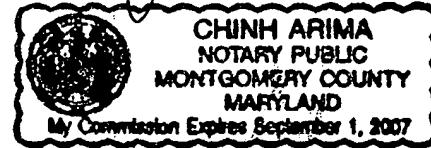
Date: 10/16/06

Date: \_\_\_\_\_

John JAKUBCZAK

Date: \_\_\_\_\_

Sandrina PHIPPS



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Date: \_\_\_\_\_

Paul HALLENBECK

Date: \_\_\_\_\_

Garret HAMPTON

Date: \_\_\_\_\_

Carl HAY

Date: \_\_\_\_\_

Ying HUANG

Date: Sept 26, 2006

  
John JAKUBCZAK

Date: \_\_\_\_\_

Sandrina PHIPPS

Subscribed and sworn to before me, a Notary Public, in and for County of New London,  
and State of Connecticut, this 26 day of

September, 2006

Edward J. Herring  
Notary Public

Date Commission Expires

**EDWARD J. HERRING**  
**NOTARY PUBLIC**  
MY COMMISSION EXPIRES JAN. 31, 2011

obtain and enforce proper protection for said Invention in the United States and its territorial possessions and in any and all foreign countries.

The undersigned hereby grant the firm of DLA Piper US LLP, Attorneys at Law, 153 Townsend Street, Suite 800, San Francisco, California 94107-1957, the power to insert on this Assignment any further identification, including the application number and filing date, which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

Date: \_\_\_\_\_

Paul HALLENBECK

Date: \_\_\_\_\_

Garret HAMPTON

Date: \_\_\_\_\_

Carl HAY

Date: \_\_\_\_\_

Ying HUANG

Date: \_\_\_\_\_

John JAKUBCZAK

Date: Oct. 2, 2006

Sandrine Phipps  
Sandrina PHIPPS

Sil C. Haas  
Sil C. Haas

State of Maryland  
County of Montgomery

My Commission expires: May 1, 2010

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**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	10/553,459
Filing Date	17 October 2005
First Named Inventor	Paul HALLENBECK
Title	FLAP ENDONUCLEASE 1 (FEN1) REGULAT
Art Unit	
Examiner Name	
Attorney Docket Number	3802-165-27 NATL

I hereby appoint:

Practitioners associated with the Customer Number: 29585

OR

Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

The address associated with the above-mentioned Customer Number:

OR

The address associated with Customer Number: 29585

OR

<input type="checkbox"/> Firm or Individual Name			
Address			
Address			
City	State	Zip	
Country			
Telephone	Fax		

I am the:

Applicant/Inventor.  
 Assignee of record of the entire interest. See 37 CFR 3.71.  
 Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

## SIGNATURE of Applicant or Assignee of Record

Name Robert H. Tidwell, Senior Vice President, Corp. Development  
 Signature Robert H. Tidwell Date 9/22/06 Telephone 650 266 3053  
 Date 9/22/06

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

\*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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